

REMARKS/ARGUMENTS

The Office Action mailed February 8, 2007 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1 – 15 and 20 – 25 are pending in the application. No claims have been amended, added, or canceled with this response.

The First 35 U.S.C. § 102 Rejection

Claims 1-15 and 20-35 were rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by Microsoft White Paper¹. This rejection is respectfully traversed.

Applicants respectfully maintain that the limitation of multiple application manufacturers renders the claims distinct from the cited reference and patentable. The problem addressed by the inventive concept is clearly identified is that the fixes and security patches are dispersed among many manufacturers. Microsoft does not disclose or suggest a solution to this problem.

Applicants respectfully submit that Microsoft does not include the limitation of a global update repository that includes updates from multiple application manufacturers. A thorough reading of Microsoft discloses that the systems described apply only to Microsoft applications.

¹ “Understanding Patch and Update Management: Microsoft’s Software Update Strategy”, Microsoft Corporation, pages i-iii, 1-14 (October 2003)

For example, Microsoft discloses the following.

“Improve and simplify the patching experience to help its customers keep all of their systems protected and up-to-date.

Provide security guidance to help its customers deploy and operate Microsoft products as securely as possible.

Innovate on safety technologies that will make Microsoft Windows-based computers more resilient to attack, even when security updates are not installed.

Improve the quality of our software through the Trustworthy Computing development process, to reduce vulnerabilities before the software ships.”

(Microsoft, page 3, lines 23 – 30) (Emphasis added)

Microsoft also discloses:

“This section describes the products and utilities developed by Microsoft to help its customers deploy software updates...”

“Windows Update is the online extension of Windows that helps keep computers up-to-date. Windows Update currently supports Windows 98, Windows Millenium Edition, Windows 2000, Windows XP, and Windows Server 2003.”

(Microsoft, page 7, lines 1-2 and 7 – 10) (Emphasis added)

“Office Update is similar in concept to Windows Update; however, it is restricted to updates for the Office Product Suite”

(Microsoft, page 8, lines 28-29)

These sections of Microsoft and a thorough reading of the entire reference makes clear that Microsoft is describing nothing more than a single application manufacturer providing software updates and security patches for its products and customers. This scheme and the disadvantages thereof are described in the background section of the specification.

In contrast the amended claims make clear that updates from multiple application manufacturers are included in a global update repository.

The Examiner's assertion that because Microsoft's repository "can store Linux or others" "if there is a joint venture" is rank speculation and is in no way disclosed in the cited reference.

Moreover, Microsoft does not disclose a system for automatically distributing the updates. Rather a user must browse through available updates and select an update for installation. Again, this is simply the prior art with its disadvantages.

For these reasons applicants respectfully submit that the pending claims are not anticipated or rendered obvious by Microsoft.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.


If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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Dated: 5/8/07


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